IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KING DRUG COMI et al.,	PANY OF FLORENCE, INC., : Plaintiffs,	CIVIL ACTION
v.		No. 2:06-cv-1797
CEPHALON, INC.,	et <u>al</u> ., : Defendants. :	
VISTA HEALTHPL	AN, INC., <u>et al</u> ., : Plaintiffs, :	CIVIL ACTION
v.		No. 2:06-cv-1833
CEPHALON, INC.,	et <u>al</u> ., Defendants.	
APOTEX, INC.,	Plaintiff,	CIVIL ACTION
v.		No. 2:06-cv-2768
CEPHALON, INC.,	et al., : Defendants. :	

ORDER

AND NOW, this 14th day of December, 2015, upon consideration of the "Generic Defendants' Motion to Strike 'Fraudulent Patent' Theory from Plaintiffs' Pretrial Memorandum" (Dkt. No. 06-1797, Doc. No. 901; Dkt. No. 06-1833, Doc. No. 498; Dkt. No. 06-2768, Doc. No. 956), which I have construed as a motion to establish the legal standard that will govern Plaintiffs' claims against the Generic Defendants at trial, and the responses thereto, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that the

Generic Defendants' motion is **GRANTED**, such that Plaintiffs' may not argue a per se theory of liability based on the Generic Defendants' "knowledge of fraud" at trial.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.